



General Assembly

## ***Amendment***

***February Session, 2018***

**LCO No. 4370**



Offered by:

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REP. MCCARTHY VAHEY, 133<sup>rd</sup> Dist.  
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To: Subst. House Bill No. **5452**

File No. 257

Cal. No. 190

### ***"AN ACT CONCERNING THE RECOMMENDATIONS OF THE TASK FORCE ON LIFE-THREATENING FOOD ALLERGIES IN SCHOOLS."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 10-212c of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2018*):

5 (a) (1) Not later than July 1, 2012, the Department of Education, in  
6 conjunction with the Department of Public Health, shall develop [and  
7 make available to each local and regional board of education]  
8 guidelines for the management of students with life-threatening food  
9 allergies and glycogen storage disease. The Department of Education  
10 shall make the guidelines available to each local and regional board of  
11 education. The guidelines shall include, but need not be limited to:

12 [(1)] (A) Education and training for school personnel on the  
13 management of students with life-threatening food allergies and  
14 glycogen storage disease, including training related to the  
15 administration of medication with a cartridge injector pursuant to  
16 subsection (d) of section 10-212a, as amended by this act, and the  
17 provision of food or dietary supplements, [(2)] (B) procedures for  
18 responding to life-threatening allergic reactions to food, [(3)] (C) a  
19 process for the development of individualized health care and food  
20 allergy action plans for every student with a life-threatening food  
21 allergy, [(4)] (D) a process for the development of individualized  
22 health care and glycogen storage disease action plans for every student  
23 with glycogen storage disease and such plan shall include, but not be  
24 limited to, the provision of food or dietary supplements by the school  
25 nurse, or any school employee approved by the school nurse, to a  
26 student with glycogen storage disease provided such plan shall not  
27 prohibit a parent or guardian, or a person designated by such parent  
28 or guardian, to provide food or dietary supplements to a student with  
29 glycogen storage disease on school grounds during the school day, and  
30 [(5)] (E) protocols to prevent exposure to food allergens.

31 (2) Not later than July 1, 2019, in addition to the requirements in  
32 subdivision (1) of this subsection, the Department of Education, in  
33 conjunction with the Department of Public Health, shall revise such  
34 guidelines to include (A) training for the identification and evaluation  
35 of students with life-threatening food allergies or glycogen storage  
36 disease, and (B) protocols that comply with the protections and  
37 accommodations under Section 504 of the Rehabilitation Act of 1973, as  
38 amended from time to time, the Individuals with Disabilities  
39 Education Act, 20 USC 1400 et seq., as amended from time to time, and  
40 the Americans with Disabilities Act, 42 USC 12101 et seq.

41 (3) Not later than July 1, 2019, and biennially thereafter, the  
42 Department of Education, in conjunction with the Department of  
43 Public Health, shall review and update as the Commissioner of  
44 Education deems necessary, the guidelines for the management of  
45 students with life-threatening food allergies and glycogen storage

46 disease. The department shall make any such updated guidelines  
47 available to each local and regional board of education.

48 (b) [Not later than August 15, 2012] (1) For the period of August 15,  
49 2012, to June 30, 2019, inclusive, each local and regional board of  
50 education shall: [(1)] (A) Implement a plan based on the guidelines  
51 developed pursuant to subsection (a) of this section for the  
52 management of students with life-threatening food allergies and  
53 glycogen storage disease enrolled in the schools under its jurisdiction;  
54 [(2)] (B) make such plan available on such board's Internet web site or  
55 the Internet web site of each school under such board's jurisdiction, or  
56 if such Internet web [sites do] site does not exist, make such plan  
57 publicly available through other practicable means as determined by  
58 such board; and [(3)] (C) provide notice of such plan in conjunction  
59 with the annual written statement provided to parents and guardians  
60 as required by subsection (b) of section 10-231c. [The superintendent of  
61 schools for each school district shall annually attest to the Department  
62 of Education that such school district is implementing such plan in  
63 accordance with the provisions of this section.]

64 (2) On and after July 1, 2019, in addition to the requirements in  
65 subdivision (1) of this subsection, each local and regional board of  
66 education shall: (A) Require that all relevant course curriculum and  
67 any school culinary program, other than those offered at a technical  
68 high school, implement allergen restrictions and safety protocols to  
69 allow students with life-threatening food allergies to participate; and  
70 (B) include such plan in any programs relating to school climate or  
71 wellness adopted by such board.

72 (3) The superintendent of schools for each school district shall  
73 annually attest to the Department of Education that such school  
74 district is implementing such plan in accordance with the provisions of  
75 this section.

76 Sec. 2. (*Effective from passage*) Not later than July 1, 2019, the  
77 Department of Education shall (1) update the Healthy and Balanced

78 Living Curriculum Framework, issued by the department in 2006, to  
79 include life-threatening food allergies, (2) update any culinary arts  
80 programs or curriculum standards related to the National Family and  
81 Consumer Sciences Standards adopted by the State Board of Education  
82 to include dietary restrictions, cross-contamination and allergen  
83 identification, and (3) apply for any available federal or private  
84 funding, in consultation with the Department of Public Health, to  
85 promote public awareness and education about food allergies.

86 Sec. 3. (NEW) (*Effective July 1, 2018*) Not later than July 1, 2019, and  
87 annually thereafter, any provider of school transportation services  
88 shall provide training to all school bus drivers. Such training shall  
89 include, but need not be limited to, instruction on (1) the identification  
90 of the signs and symptoms of anaphylaxis, (2) the administration of  
91 epinephrine by a cartridge injector, (3) the notification of emergency  
92 personnel, (4) the reporting of an incident involving a student and a  
93 life-threatening allergic reaction, and (5) any other relevant issues  
94 relating to students who experience life-threatening allergic reactions.  
95 Such training may be completed using an online module, provided  
96 such online module meets the requirements of this section and is  
97 approved by the Department of Public Health. As used in this section,  
98 "school bus driver" means any person who drives a school bus, as  
99 defined in section 14-1 of the general statutes, and is employed by a  
100 local or regional board of education or employed by a contractor who  
101 has entered into a contract with a local or regional board of education  
102 for the provision of school transportation services; and "cartridge  
103 injector" means an automatic prefilled cartridge injector or similar  
104 automatic injectable equipment used to deliver epinephrine in a  
105 standard dose for emergency first aid response to allergic reactions.

106 Sec. 4. Subdivision (2) of subsection (a) of section 10-212a of the  
107 general statutes is repealed and the following is substituted in lieu  
108 thereof (*Effective July 1, 2018*):

109 (2) Each local and regional board of education that allows a school  
110 nurse or, in the absence of such nurse, any other nurse licensed

111 pursuant to the provisions of chapter 378, including a nurse employed  
112 by, or providing services under the direction of a local or regional  
113 board of education at, a school-based health clinic, who shall  
114 administer medical preparations only to students enrolled in such  
115 school-based health clinic in the absence of a school nurse, the  
116 principal, any teacher, licensed athletic trainer, licensed physical or  
117 occupational therapist employed by a school district, coach of  
118 intramural and interscholastic athletics or school paraprofessional of a  
119 school to administer medicine or that allows a student to possess and  
120 self-administer medicine, including medicine administered through  
121 the use of an asthmatic inhaler or an automatic prefilled cartridge  
122 injector or similar automatic injectable equipment, shall adopt written  
123 policies and procedures, in accordance with this section and the  
124 regulations adopted pursuant to subsection (c) of this section, that  
125 shall be approved by the school medical advisor, if any, or other  
126 qualified licensed physician. Once so approved, such administration of  
127 medication shall be in accordance with such policies and procedures.

128 Sec. 5. Subsection (c) of section 10-212a of the general statutes is  
129 repealed and the following is substituted in lieu thereof (*Effective July*  
130 *1, 2018*):

131 (c) The State Board of Education, in consultation with the  
132 Commissioner of Public Health, shall adopt regulations, in accordance  
133 with the provisions of chapter 54, determined to be necessary by the  
134 board to carry out the provisions of this section, including, but not  
135 limited to, regulations that (1) specify conditions under which a coach  
136 of intramural and interscholastic athletics may administer medicinal  
137 preparations, including controlled drugs specified in the regulations  
138 adopted by the commissioner, to a child participating in such  
139 intramural and interscholastic athletics, (2) specify conditions and  
140 procedures for the administration of medication by school personnel to  
141 students, including the conditions and procedures for the storage and  
142 administration of epinephrine by school personnel to students for the  
143 purpose of emergency first aid to students who experience allergic  
144 reactions and who do not have a prior written authorization for the

145 administration of epinephrine, in accordance with the provisions of  
146 subdivision (2) of subsection (d) of this section, and (3) specify  
147 conditions for the possession and self-administration of medication by  
148 students, including permitting a child diagnosed with: (A) Asthma to  
149 retain possession of an asthmatic inhaler at all times while attending  
150 school for prompt treatment of the child's asthma and to protect the  
151 child against serious harm or death provided a written authorization  
152 for self-administration of medication signed by the child's parent or  
153 guardian and an authorized prescriber is submitted to the school  
154 nurse; and (B) an allergic condition to retain possession of an  
155 automatic prefilled cartridge injector or similar automatic injectable  
156 equipment at all times while attending school for prompt treatment of  
157 the child's allergic condition and to protect the child against serious  
158 harm or death provided a written authorization for self-administration  
159 of medication signed by the child's parent or guardian and an  
160 authorized prescriber is submitted to the school nurse. The regulations  
161 shall require authorization pursuant to: (i) The written order of a  
162 physician licensed to practice medicine in this or another state, a  
163 dentist licensed to practice dental medicine in this or another state, an  
164 advanced practice registered nurse licensed under chapter 378, a  
165 physician assistant licensed under chapter 370, a podiatrist licensed  
166 under chapter 375, or an optometrist licensed under chapter 380; and  
167 (ii) the written authorization of a parent or guardian of such child.

168 Sec. 6. Subsection (d) of section 10-212a of the general statutes is  
169 repealed and the following is substituted in lieu thereof (*Effective July*  
170 *1, 2018*):

171 (d) (1) (A) With the written authorization of a student's parent or  
172 guardian, and (B) pursuant to the written order of a qualified medical  
173 professional, a school nurse and a school medical advisor, if any, may  
174 jointly approve and provide general supervision to an identified  
175 school paraprofessional to administer medication, including, but not  
176 limited to, medication administered with a cartridge injector, to a  
177 specific student with a medically diagnosed allergic condition that  
178 may require prompt treatment in order to protect the student against

179 serious harm or death.

180 (2) A school nurse or, in the absence of a school nurse, a qualified  
181 school employee shall maintain epinephrine in cartridge injectors for  
182 the purpose of emergency first aid to students who experience allergic  
183 reactions and do not have a prior written authorization of a parent or  
184 guardian or a prior written order of a qualified medical professional  
185 for the administration of epinephrine. A school nurse or a school  
186 principal shall select qualified school employees to administer such  
187 epinephrine under this subdivision, and there shall be at least one such  
188 qualified school employee on the grounds of the school during regular  
189 school hours in the absence of a school nurse. A school nurse or, in the  
190 absence of such school nurse, such qualified school employee may  
191 administer such epinephrine under this subdivision, provided such  
192 administration of epinephrine is in accordance with policies and  
193 procedures adopted pursuant to subsection (a) of this section. Such  
194 administration of epinephrine by a qualified school employee shall be  
195 limited to situations when the school nurse is absent or unavailable.  
196 No qualified school employee shall administer such epinephrine under  
197 this subdivision unless such qualified school employee annually  
198 completes the training program described in section 10-212g. The  
199 parent or guardian of a student may submit, in writing, to the school  
200 nurse and school medical advisor, if any, that epinephrine shall not be  
201 administered to such student under this subdivision.

202 (3) In the case of a student with a medically diagnosed life-  
203 threatening allergic condition, (A) with the written authorization of  
204 such student's parent or guardian, and (B) pursuant to the written  
205 order of a qualified medical professional, a school nurse and a school  
206 medical advisor, if any, may jointly approve and provide general  
207 supervision to such student to possess and self-administer medication,  
208 including, but not limited to, medication administered with a cartridge  
209 injector, to protect such student against serious harm or death.

210 [(3)] (4) For purposes of this subsection, (A) "cartridge injector"  
211 means an automatic prefilled cartridge injector or similar automatic

212 injectable equipment used to deliver epinephrine in a standard dose  
213 for emergency first aid response to allergic reactions, (B) "qualified  
214 school employee" means a principal, teacher, licensed athletic trainer,  
215 licensed physical or occupational therapist employed by a school  
216 district, coach or school paraprofessional, and (C) "qualified medical  
217 professional" means (i) a physician licensed under chapter 370, (ii) an  
218 optometrist licensed to practice optometry under chapter 380, (iii) an  
219 advanced practice registered nurse licensed to prescribe in accordance  
220 with section 20-94a, or (iv) a physician assistant licensed to prescribe in  
221 accordance with section 20-12d.

222 Sec. 7. Section 52-557b of the general statutes is repealed and the  
223 following is substituted in lieu thereof (*Effective July 1, 2018*):

224 (a) A person licensed to practice medicine and surgery under the  
225 provisions of chapter 370 or dentistry under the provisions of section  
226 20-106 or members of the same professions licensed to practice in any  
227 other state of the United States, a person licensed as a registered nurse  
228 under section 20-93 or 20-94 or certified as a licensed practical nurse  
229 under section 20-96 or 20-97, a medical technician or any person  
230 operating a cardiopulmonary resuscitator or a person trained in  
231 cardiopulmonary resuscitation in accordance with the guidelines set  
232 forth by the American Red Cross or American Heart Association, or a  
233 person operating an automatic external defibrillator, who, voluntarily  
234 and gratuitously and other than in the ordinary course of such person's  
235 employment or practice, renders emergency medical or professional  
236 assistance to a person in need thereof, shall not be liable to such person  
237 assisted for civil damages for any personal injuries which result from  
238 acts or omissions by such person in rendering the emergency care,  
239 which may constitute ordinary negligence. A person or entity that  
240 provides or maintains an automatic external defibrillator shall not be  
241 liable for the acts or omissions of the person or entity in providing or  
242 maintaining the automatic external defibrillator, which may constitute  
243 ordinary negligence. The immunity provided in this subsection does  
244 not apply to acts or omissions constituting gross, wilful or wanton  
245 negligence. With respect to the use of an automatic external



246 defibrillator, the immunity provided in this subsection shall only apply  
247 to acts or omissions involving the use of an automatic external  
248 defibrillator in the rendering of emergency care. Nothing in this  
249 subsection shall be construed to exempt paid or volunteer firefighters,  
250 police officers or emergency medical services personnel from  
251 completing training in cardiopulmonary resuscitation or in the use of  
252 an automatic external defibrillator in accordance with the guidelines  
253 set forth by the American Red Cross or American Heart Association.  
254 For the purposes of this subsection, "automatic external defibrillator"  
255 means a device that: (1) Is used to administer an electric shock through  
256 the chest wall to the heart; (2) contains internal decision-making  
257 electronics, microcomputers or special software that allows it to  
258 interpret physiologic signals, make medical diagnosis and, if  
259 necessary, apply therapy; (3) guides the user through the process of  
260 using the device by audible or visual prompts; and (4) does not require  
261 the user to employ any discretion or judgment in its use.

262 (b) A paid or volunteer firefighter or police officer, a teacher or  
263 other school personnel on the school grounds or in the school building  
264 or at a school function, a member of a ski patrol, a lifeguard, a  
265 conservation officer, patrol officer or special police officer of the  
266 Department of Energy and Environmental Protection, or emergency  
267 medical service personnel, who has completed a course in first aid  
268 offered by the American Red Cross, the American Heart Association,  
269 the National Ski Patrol, the Department of Public Health or any  
270 director of health, as certified by the agency or director of health  
271 offering the course, and who renders emergency first aid to a person in  
272 need thereof, shall not be liable to such person assisted for civil  
273 damages for any personal injuries which result from acts or omissions  
274 by such person in rendering the emergency first aid, which may  
275 constitute ordinary negligence. No paid or volunteer firefighter, police  
276 officer or emergency medical service personnel who forcibly enters the  
277 residence of any person in order to render emergency first aid to a  
278 person whom such firefighter, police officer or emergency medical  
279 service personnel reasonably believes to be in need thereof shall be

280 liable to such person for civil damages incurred as a result of such  
281 entry. The immunity provided in this subsection does not apply to acts  
282 or omissions constituting gross, wilful or wanton negligence.

283 (c) An employee of a railroad company, including any company  
284 operating a commuter rail line, who has successfully completed a  
285 course in first aid, offered by the American Red Cross, the American  
286 Heart Association, the National Ski Patrol, the Department of Public  
287 Health or any director of health, as certified by the agency or director  
288 of health offering the course, and who renders emergency first aid or  
289 cardiopulmonary resuscitation to a person in need thereof, shall not be  
290 liable to such person assisted for civil damages for any personal injury  
291 or death which results from acts or omissions by such employee in  
292 rendering the emergency first aid or cardiopulmonary resuscitation  
293 which may constitute ordinary negligence. The immunity provided in  
294 this subsection does not apply to acts or omissions constituting gross,  
295 wilful or wanton negligence.

296 (d) A railroad company, including any commuter rail line, which  
297 provides emergency medical training or equipment to any employee  
298 granted immunity pursuant to subsection (c) of this section shall not be  
299 liable for civil damages for any injury sustained by a person or for the  
300 death of a person which results from the company's acts or omissions  
301 in providing such training or equipment or which results from acts or  
302 omissions by such employee in rendering emergency first aid or  
303 cardiopulmonary resuscitation, which may constitute ordinary  
304 negligence. The immunity provided in this subsection does not apply  
305 to acts or omissions constituting gross, wilful or wanton negligence.

306 (e) (1) For purposes of this subsection, "cartridge injector" means an  
307 automatic prefilled cartridge injector or similar automatic injectable  
308 equipment used to deliver epinephrine in a standard dose for  
309 emergency first aid response to allergic reactions.

310 (2) Any volunteer worker associated with, or any person employed  
311 to work for, a program offered to children sixteen years of age or

312 younger by a corporation, other than a licensed health care provider,  
313 that is exempt from federal income taxation under Section 501 of the  
314 Internal Revenue Code of 1986, or any subsequent corresponding  
315 internal revenue code of the United States, as from time to time  
316 amended, who (A) has been trained in the use of a cartridge injector by  
317 a licensed physician, physician assistant, advanced practice registered  
318 nurse or registered nurse, (B) has obtained the consent of a parent or  
319 legal guardian to use a cartridge injector on his or her child, and (C)  
320 uses a cartridge injector on such child in apparent need thereof  
321 participating in such program, shall not be liable to such child assisted  
322 or to such child's parent or guardian for civil damages for any personal  
323 injury or death which results from acts or omissions by such worker in  
324 using a cartridge injector which may constitute ordinary negligence.  
325 The immunity provided in this subsection does not apply to acts or  
326 omissions constituting gross, wilful or wanton negligence.

327 (3) A corporation, other than a licensed health care provider, that is  
328 exempt from federal income taxation under Section 501 of the Internal  
329 Revenue Code of 1986, or any subsequent corresponding internal  
330 revenue code of the United States, as from time to time amended,  
331 which provides training in the use of cartridge injectors to any  
332 volunteer worker granted immunity pursuant to subdivision (2) of this  
333 subsection shall not be liable for civil damages for any injury sustained  
334 by, or for the death of, a child sixteen years of age or younger who is  
335 participating in a program offered by such corporation, which injury  
336 or death results from acts or omissions by such worker in using a  
337 cartridge injector, which may constitute ordinary negligence. The  
338 immunity provided in this subsection does not apply to acts or  
339 omissions constituting gross, wilful or wanton negligence.

340 (f) A teacher or other school personnel, on the school grounds or in  
341 the school building or at a school function, who has completed both a  
342 course in first aid in accordance with subsection (b) of this section and  
343 a course given by the medical advisor of the school or by a licensed  
344 physician in the administration of medication by injection, who  
345 renders emergency care by administration of medication by injection

346 to a person in need thereof, shall not be liable to the person assisted for  
347 civil damages for any injuries which result from acts or omissions by  
348 the person in rendering the emergency care of administration of  
349 medication by injection, which may constitute ordinary negligence.  
350 The immunity provided in this subsection does not apply to acts or  
351 omissions constituting gross, wilful or wanton negligence.

352 (g) The provisions of this section shall not be construed to require  
353 any teacher or other school personnel to render emergency first aid or  
354 administer medication by injection.

355 (h) Any person who has completed a course in first aid offered by  
356 the American Red Cross, the American Heart Association, the National  
357 Ski Patrol, the Department of Public Health or any director of health,  
358 as certified by the agency or director of health offering the course, or  
359 has been trained in the use of a cartridge injector by a licensed  
360 physician, physician assistant, advanced practice registered nurse or  
361 registered nurse, and who, voluntarily and gratuitously and other than  
362 in the ordinary course of such person's employment or practice,  
363 renders emergency assistance by using a cartridge injector on another  
364 person in need thereof, or any person who is an identified staff  
365 member of a before or after school program, day camp or child care  
366 facility, as defined in section 19a-900, and who renders emergency  
367 assistance by using a cartridge injector on another person in need  
368 thereof, shall not be liable to such person assisted for civil damages for  
369 any personal injuries which result from acts or omissions by such  
370 person in using a cartridge injector, which may constitute ordinary  
371 negligence. The immunity provided in this subsection does not apply  
372 to acts or omissions constituting gross, wilful or wanton negligence.  
373 For the purposes of this subsection, "cartridge injector" has the same  
374 meaning as provided in subdivision (1) of subsection (e) of this section.

375 (i) A school bus driver, on or in the immediate vicinity of a school  
376 bus during the provision of school transportation services, who  
377 renders emergency care by administration of medication with a  
378 cartridge injector to a student in need thereof who has a medically

379 diagnosed allergic condition that may require prompt treatment in  
 380 order to protect the student against serious harm or death, shall not be  
 381 liable to the student assisted for civil damages for any injuries which  
 382 result from acts or omissions by the school bus driver in rendering the  
 383 emergency care of administration of medication with a cartridge  
 384 injector, which may constitute ordinary negligence. The immunity  
 385 provided in this subdivision does not apply to acts or omissions  
 386 constituting gross, wilful or wanton negligence. For the purposes of  
 387 this subsection, "cartridge injector" has the same meaning as provided  
 388 in subdivision (1) of subsection (e) of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2018</i>	10-212c
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>July 1, 2018</i>	New section
Sec. 4	<i>July 1, 2018</i>	10-212a(a)(2)
Sec. 5	<i>July 1, 2018</i>	10-212a(c)
Sec. 6	<i>July 1, 2018</i>	10-212a(d)
Sec. 7	<i>July 1, 2018</i>	52-557b